

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ASURION, LLC,

Plaintiff,

v.

BRYAN CAVE LEIGHTON PAISNER LLP,

Defendant.

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No. 3:23-cv-00424

District Judge Aleta A. Trauger

**DECLARATION OF W. SCOTT SIMS IN SUPPORT OF DEFENDANT’S PRELIMINARY
RESPONSE TO, AND REQUEST FOR A BRIEFING SCHEDULE ON, ASURION’S
MOTION FOR TEMORARY RESTRAINING ORDER**

I, W. Scott Sims, declare as follows:

1. I am an attorney duly licensed to practice law before all of the Courts of the State of Tennessee, including this Honorable Court. I am a partner at Sims Funk, PLC, counsel for Defendant Bryan Cave Leighton Paisner, LLP (“BCLP”).

2. On April 27, 2023, at approximately 12:00 p.m., my firm was engaged by BCLP after that firm received a threat earlier in the day that Plaintiff Asurion, LLC (“Asurion”) might file a lawsuit and a motion for TRO against the firm with this Court.

3. I immediately called Jessalyn Zeigler, counsel for Asurion, and advised her that BCLP had already filed the arbitration demand that Asurion was threatening to enjoin. I also told Ms. Zeigler that BCLP was willing to stay the arbitration to allow Asurion to pursue a preliminary injunction in orderly fashion. Ms. Zeigler did not respond to that proposal. Instead, at approximately 4:30 p.m., Ms. Zeigler’s office emailed me copies of the complaint and motion for a TRO that Asurion filed.

I declare under penalty of perjury under the laws of the State of Tennessee that the foregoing is true and accurate.

Executed this 28th day of April, 2023 at Nashville, Tennessee.

/s/ W. Scott Sims
W. Scott Sims

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the foregoing was served via the Court's CM/ECF system on April 28, 2023, upon the following:

Overton Thompson (TN Bar No. 011163)
Jessalyn H. Zeigler (TN Bar No. 016139)
Courtney A. Hunter (TN Bar No. 038014)
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Attorneys for Plaintiff

/s/ W. Scott Sims